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Both Sides
OF THE
Controversy
BETWEEN THE
Roman Catholic Church Hierarchy
AND THE
Mexican Government



Elias & Ryan

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181

INTRODUCTION

In pursuance of the policy of placing before the people of the United States full information regarding the controversy between the Roman Catholic Church Hierarchy and the Mexican Government, I have had reprinted for distribution the statements of the Rev. John A. Ryan, D.D. and myself as published by invitation of the editors of The New York World in their edition of February 5, 1928. I do this because I believe that the people of the United States should be put in a position to reach their conclusions as to where the truth lies in this controversy, and intelligent and enduring opinions can only be formed when both sides of a question are presented to the public.

ARTURO M. ELIAS,

Consul General of Mexico in the United States.

Mr. Elias Gives the Calles Government's Reasons for Its Present Enforcement of the Mexican Constitution and Statutes as They Affect Observances

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By Arturo M. Elias

IN the proper sense of the word there is no such thing as a "religious question" in the Republic of Mexico. There is a question involving the relations of the Roman Catholic Church hierarchy and the Government of Mexico, which is an entirely different matter. There are no controversies between the Mexican Government and the clergy of other religious beliefs in Mexico. The Protestant clergy there have complied with our laws. The Roman Catholic clergy refuses to do so. Unless this fact is grasped, there can be no understanding of the issues growing out of certain provisions in the Mexican Constitution and the laws on the statute books putting these provisions into force.

In Europe for centuries there was a denial of religious liberty. Protestantism was not allowed to function in those states whose Governments paid fealty to the Pope of Rome. In England, on the contrary, Catholicism was put under the ban

and Catholics were denied religious liberty, just as Protestants were denied it in other countries.

Another fact which must be grasped if the people of the United States are to understand the controversy between the Roman Catholic hierarchy and the Government of Mexico, is that this struggle between the clergy of the Catholic Church and the political power in Mexico is a century-old struggle and not something which started in the Administration of the present Chief Executive of Mexico, Plutarco Elias Calles.

The roots of the controversy lie deep in the history of old Spain. Its religious institutions were moved bodily to New Spain and impinged upon a conquered people. The early attempts of the Mexicans to achieve their independence from the mother country were fought most bitterly by the church hierarchy in Mexico, notwithstanding that two noble priests, Fathers Hidalgo and Morelos, were two of the chief leaders in the revolts from 1810 to 1814.

Both of these priests were excommunicated by the Roman Catholic Church hierarchy, delivered over to the secular arm and put to death. And the hierarchy only championed independence from Spain when it feared that the new, and as it turned out, ephemeral liberal Government of Spain would give its colonies in America certain freedom from priestly exactions which the new Constitution gave the people of old Spain. In other words, the independence secured by Mexico from the Spanish Crown in 1821 was a reactionary revolution led by militarists and high ecclesiastics.

The record stands and can neither be written nor talked away by the most able of polemicists. The Constitution adopted for the Government of Mexico when it freed itself from the Spanish Crown made the Roman Catholic religion the offi-

cial religion of the state. Every privilege that the church in centuries had taken to itself was continued. The clergy remained above the civil law.

During the years between 1821 and 1857, when the great battle between church and state was fought, resulting in the famous Constitution of '57, with its provisions aimed at taking away the privileges of the Roman Catholic Church hierarchy, the ecclesiastics of Mexico fought always on the side of political reaction. This is the record and not a matter of opinion.

In 1833, when Gomez Farias, in power for just a little time, assailed the exemption of the clergy from the jurisdiction of the civil courts, the hierarchy threw all its influence against him, made Santa Ana Dictator, and had a new Constitution fashioned in 1836 which reduced popular representation and centralized the powers of government.

Again in 1843 another Constitution was adopted which retained all the privileges of the clergy, and was even more anti-liberal. As the *Encyclopedia Britannica* expresses it: "It was in some respects more anti-liberal than that of 1836."

The nineteenth century, however, ushered in many liberal doctrines and the educated class in Mexico could not remain untouched by the spirit of intellectual freedom that was gathering new strength as the years went by.

"Liberal Doctrines" Were Ushered In

It was at this period that the great figure of Benito Juarez, the Nemesis of the Roman Catholic Church hierarchy in Mexico, led the Liberal forces in the fashioning of a new Constitution which would at least in some degree express the desire of the Mexican people for a larger measure of control over their own lives.

This Constitution, containing as it did provi-

sions that menaced the immense influence of the hierarchy over the daily lives of the people of Mexico, aroused the most bitter opposition of the clergy and gave birth to an event that has had no parallel since on this continent. The Pope of Rome, Pius IX., issued a mandate against this Constitution and called upon those who were his spiritual subjects to disobey the laws of their country.

In all that has been written by the defenders of the policies of the Roman Catholic Church hierarchy they have been careful to keep from mentioning this remarkable document, which concludes with the words: "Thus we make known to the faith in Mexico and to the Catholic universe that we energetically condemn every decree that the Mexican Government has enacted against the Catholic religion, against the church and her sacred ministers and pastors, against her laws, rights and property, and also against the authority of the Holy See. We raise our pontifical voice with apostolic freedom before you to condemn, reprove and declare null, void and without any value the said decrees, and all others which have been enacted by the civil authorities in such contempt of the ecclesiastical authority of this Holy See, and with such injury to the religion, to the sacred pastors and illustrious men."

Order Issued by Mexican Archbishop

Those championing the tactics of the Roman Catholic hierarchy in Mexico have also been careful not to publish the fact that the echo of this mandate of the Papacy was an order from the ruling prelate of Mexico, the Archbishop, that it was "not lawful to swear allegiance to the Constitution, because its articles were contrary to the institution, doctrine and rites of the Catholic Church."

Also that the Roman Catholic organ, *La Sociedad*, said in its issue of Dec. 14, 1858, "Our happiness and the safety of our Catholic religion depend upon our close union and obedience to the Vatican and on our alliance with the Catholic nations of Europe. To the Catholic European world it will be by no means convenient that the Catholic world of America degenerate into Protestantism."

The proceedings of the convention which fashioned the 1857 Constitution are a matter of record and the happenings there have also found little, if any, publicity where a discussion has been engaged in regarding the differences between the Mexican Government and the Roman Catholic Church hierarchy. It would be the same as engaging in a discussion the Constitution of the United States without examining the proceedings of the Constitutional Convention of 1787.

If one will turn to the records for July 30, 1856, he will find an event recorded indicative of the manner in which the hierarchy and its followers were struggling against this attempt to liberalize the Mexican Government. The day before Francisco Zarco had made a very exhaustive and eloquent address on religious liberty. In this speech he had indicted the Catholic hierarchy for its intolerance.

When the session of July 30 was opened it was found that the galleries were packed with followers of the clergy and they threw down upon the heads of the delegates paper broadsides bearing the printed words "Long live the Roman Pontiff and the clergy—The people do not want tolerance—Death to the enemies of the Catholic religion."

The records show that this congress represented the growing liberal sentiment of Mexico. It was not in any sense a convention at which what have been named "free thinkers" were in control. The

records show that the members were not in any sense opposed to religion. The majority of them were merely standing for the right of every one to worship God according to the dictates of his or her conscience.

The majority have been brought up in the Catholic faith. It was not this faith that they opposed, but solely the special privileges given to those in control of the machinery of the church. The outcome of their proceedings shows that they recognized the fact that the only way to secure larger political, intellectual and spiritual freedom for the Mexican people was to abolish the special privileges that the priestly class had usurped. It is very significant that the new Constitution began with the sentence, "In the name of God, and by the authority of the Mexican people." There was no denial of the claims of religion but only a denial of the rights of the Roman Catholic Church hierarchy to be recognized as the only representative of God in this world.

It is naturally very difficult for a citizen of the United States to understand why certain provisions dealing with the church were put in the Constitution of 1857 and the reform laws of 1859, reiterated and amplified in 1874. The United States has never had such an institution as the Holy Inquisition, which was not abolished in Mexico until the early days of the nineteenth century, and out of such spirit of intolerance grew all the iniquity of the hierarchy which the records show continued to be practiced, even after the Holy Inquisition was abolished.

In order to sense the spirit which actuated most of the delegates who fashioned the Constitution of 1857 one must bear in mind that their fathers had felt the actual tyrannical clutch of the clergy through this abominable institution during every day of their lives.

Every single law in the Constitution affecting the hierarchy was in reality placed there by the clergy. Had they been content to keep within their legitimate spiritual channels, not a single law dealing with the church would have ever been in the Constitution or placed upon the statute books.

The two volumes covering the proceedings of the 1856-57 Constitutional Convention are replete with the sentiments of the delegates, all of whom had been brought up in the Roman Catholic faith. It is impossible in the contracted space of a newspaper article to give a thoroughly proportioned picture of this convention. But it is possible to quote just a short portion of the speech of Guillermo Prieto, a man of great spirituality and possessed of the highest tenets of honor. He was Finance Minister in the Juarez Administration and refused to accept the fees provided by the law for the restitution of church property to the nation, on the grounds that he had had a part in making these laws.

I quote part of Prieto's speech for another reason—the hierarchy of that day made the same charge that the hierarchy of to-day makes—that religion was being persecuted. To this Prieto replied: "The Liberal Party, the persecutors of Christianity! Do you not think the Liberal Party knows that the spirit of Christianity brought liberty to the world? The party of democracy opposed to Christian reason! That, gentlemen, would be to commit suicide, and in parties as in men, the first and most powerful instinct is the instinct of self preservation. The party of fraternity to deny or oppose the religion which says: 'All men are brothers' and 'Love ye one another!' This would be much more than insanity. It would be impossible."

Would Not Do Away With Cross

"The Liberal Party is the party of the dispossessed, of the sorrowful, of the oppressed; that is to say, it is the party of the people. Think you then that it wishes to do away with the Cross, the symbol of all consolation, the emblem of our dearest hopes, the sign of the revindication of the most sacred rights of man? No—a thousand times No!"

Guillermo Prieto claimed that it was the hierarchy who had betrayed the pure teachings of the Christ, and that in doing so they had, "lied to the God invoked by them." That it was the hierarchy who had "calumniated progress and stabbed in the back those civilizing tendencies which had been the means of revealing the venality of those who insisted upon imposing upon the world their arbitrary interpretation of Christianity." Speech after speech was made by the delegates containing similar sentiments, and it would be as foolish to state that the laws involving the relations of the Roman Catholic Church to the Government of Mexico were made by irreligious men as it would be to say that Luther's opposition to the Papacy had its chief motivation in Luther's opposition to religion.

The United States was fortunate indeed to have started its great career without an ever-over-shadowing spiritual despotism, without an established church and with a firm determination never to have one. So vital did the fathers of your Republic consider freedom from clerical domination that their first amendment to their Constitution, adopted just as soon as the Government was formed, provided for absolute freedom in religious matters.

On the contrary, the first Constitution adopted by Mexico provided definitely for religious in-

tolerance, and forbade the teaching of any other religion save Roman Catholicism.

Unless the background which I have sketched here is understood there can be no grasp of the questions in dispute at the present time between the Mexican Government and the church hierarchy. That the differences between this hierarchy were not acute during the long dictatorship of Porfirio Diaz was due solely to the fact that Diaz practically held many of the laws in abeyance or winked at their violation.

Charges Hierarchy Helped to Keep The Common People in Subjection

In return for this the hierarchy helped keep the people in subjection to his rule and protected the most cruel exploitation to which the common people of Mexico had been subjected since Cortez crushed the Aztec dynasty. With the breaking out of the great revolution, led by the lamented Francisco Madero in 1910, the scene rapidly changed and as the new social program, looking to the improvement of the physical and, therefore, the intellectual and spiritual condition of the Mexican people, was articulated, at least as a hope, into the Constitution of 1917, the hierarchy rallied all its forces, not only in Mexico, but throughout the world, to prevent succeeding Governments from carrying out the provisions dealing with the clergy.

For two years now the spokesmen of the Roman Catholic hierarchy here have been actively defending its case before the American people and have assumed for them the most paradoxical position of trying to rally the people of the United States to the cause of what the hierarchy has chosen to term "religious liberty." It is a strange cry to come from such quarters. It is, therefore,

not surprising that Bishop Cannon of the Methodist Church, who through years of activity in Latin-American countries had suffered much from the intolerance of the Catholic hierarchy, should have in a public statement sternly rebuked the spokesmen of the church here for having for one moment, in view of their record, posed as the champions of "religious liberty," which history shows they have denied in almost every country where they have been in control.

The spokesmen of the church hierarchy have told the American public that they cannot obey the present laws dealing with the control of the hierarchy in the Mexican Constitution. They have sought to create the impression that these laws are something new impinged on the Mexican people by the Calles Administration, when as a matter of fact most of them are nearly seventy years old. The historical record shows that the hierarchy has fought all the laws of Mexico whenever the Government has attempted to curb its power. One does not have to go to historians such as Bancroft or to articles in various encyclopaedias to find this out. The records the hierarchy itself has kept proves the truth of this statement conclusively.

The Roman Catholic Church hierarchy brought about several revolts in the first quarter of a century after Independence. They precipitated a most terrible three years' civil war after the 1857 Constitution. On the record, openly and without any evidence of shame, they brought about foreign intervention and with French bayonets lifted Maximilian, the scion of the Catholic Austrian House of Hapsburg, to a throne to which he had no more title than the ex-Emperor William Hohenzollern has to the Emperorship of the United States of America.

Charges Intrigue In France

It is an historical fact that the hierarchy did not merely intrigue in Mexico to bring about the usurpation, but that Archbishop La Bastida went to France, intrigued with Napoleon III and brought the French Army to engage in an organized rape of the liberties of the Mexican people. Maximilian fell and the church saved what it could out of the wreck of its hopes by clever intriguing throughout the long reign of thirty-three years of Porfirio Diaz, to nullify existing laws which that ruler, despite his absolute power, did not dare to have legally abrogated.

The hierarchy acted as Diaz's spiritual police force, with the result that the rich grew richer and the poor grew poorer, with illiteracy, the mother of ignorance, stalking through the land. When Diaz fell there were about 600 rural schools in the Republic of Mexico and 90 per cent illiteracy. To-day, in spite of the great financial difficulties caused by ten years of devastating civil war, there are over 4,000 rural schools supported solely by the Federal Government. And in one year, during the Administrations of Presidents Obregon and Calles, over five times as much money has been spent on the public schools as was spent in any year of the Diaz Administration when the Mexican Treasury was bulging with money.

Present-day Mexico, out of its very poverty, has decreased the illiteracy of the people from 90 per cent to 63 per cent, and each year the amount of illiteracy goes down. This is in sharp contrast to what took place during the Diaz Administration when the church was the dominant power in educational matters.

The present Constitution is far from being radical in respect to the hierarchy. On the contrary, it is highly conservative. It reiterates provisions

many years old and adds a few new ones which were put there because of certain tactics on the part of the church hierarchy in these more modern times. It is the provision that all members of the clergy must register, just the same as members of all other professions, which brought the present contest between the hierarchy and the Mexican Government to focus. To conduct services and carry on their activities, it was only necessary for the priest to register. The church hierarchy ordered the clergy to refuse to register, thereby declaring a strike against the Constitution and the laws growing out of it.

Insists Calles Government Has Not Locked Priests Out of the Churches

It is unqualifiedly false that the Government locked the priests out of the churches. The clergy refused to give the people the spiritual ministrations due them unless the Government would nullify this registration provision. To-day, with the exception of the great Cathedral in Mexico City, which contains millions of value in art treasures and which has been closed to protect these almost priceless objects, the people go daily into all of the thousands of churches as freely as they do in the United States. As the priests will not perform their spiritual duties, volunteers in the congregation read the services and the people make the responses.

Many of the most bitter statements now being made by the hierarchy are doubtless due to the fact that they have full knowledge that in the vast majority of cases the people have become happier over the present situation as they have learned that they can worship without paying most exorbitantly for the privilege, as they did in the past. There is not only full religious liberty in Mexico now but there is something the people there never have had before, "free worship."

Threats Not Confined To Lay Spokesmen

In the past, from the cradle to the grave, the tax gatherers of the church hierarchy stood with outstretched hands and took from the poverty of the Mexican poor millions of riches, actually incrusting some of the churches with gold, while the people, like Lazarus of old, were crying for bread.

This is an historical fact. The church through the centuries became the largest owners of the productive wealth of Mexico, it was this wealth, pressed from the agony of the people, that in 1857 our forefathers tried to have the church hierarchy make restitution for by returning at least part of it to the source from which it had been filched. This is the great crime of the Mexican Government in the eyes of the church hierarchy, and it is a crime to which we who have refused to be sunk in the mire of ignorance proudly plead "guilty."

It is of sinister significance that hardly a spokesman for the church hierarchy in this country can either speak or write on the present controversy dealing with the Roman Catholic Church in Mexico unless there are veiled threats of revolution in behalf of the demands of the clergy. The newspapers themselves constantly give evidence of the abortive attempts that have taken place in the last year and a half, that is, since the attempt to enforce the provisions of the Constitution, and these veiled threats are not confined to the laymen spokesmen of the church in this country.

Archbishop Curley of Baltimore, in the early days of the present controversy, was just as truculent in his utterances as Judge Alfred J. Talley, the head of one of the leading lay associations of the Catholic Church in the United States.

Judge Talley indicted President Coolidge and

Secretary Kellogg as having failed to bring pressure on Mexico to prevent the carrying out of the mandates of our Constitution. The learned Judge demanded, to quote his own words, "that the United States withdraw its recognition from Mexico and brand her as an outlaw among nations." But far more important of all these utterances was the demand of Judge Talley, as spokesman for the "Society for the Protection of Republican Rights in Mexico," that the Government of the United States should lift the arms embargo between the two countries. I can only repeat here what I said then regarding this remarkable demand on the part of one speaking in the name of religion. "Does Judge Talley want to bring about another St. Bartholomew's night in Mexico? Is it his desire to bring about another religious war similar to those which bathed Europe in blood during the middle ages?"

And these words of mine, as events proved, were, unfortunately for my country, prophetic. For while there was no lifting of the arms embargo, instruments of murder did get to small fanatical groups in some of the Mexican states with the result of the maiming and killing many innocent people. One only has to remember the terrible event of the wrecked train in Guadalajara, where scores of innocent people, including women and children, were killed and maimed to the blasphemous cry of "Long Live Christ the King" on the part of those who did the wrecking and murdering. And most shameful to tell, two priests were among the attackers, their presence being attested by Catholic laymen of Mexico City who were on the wrecked train.

Protestant Clergymen Are Satisfied And Obey the Laws, He Declares

But the most telling evidence, to prove that there is no "religious" controversy at present but

merely a situation of the hierarchy's own making, is the fact that all of the Protestant denominations in Mexico have accepted the new regulations in a most law-abiding spirit. What little friction there was in the beginning, which was perfectly natural in the putting of new laws into effect, soon ceased and there is now no misunderstanding between the Protestant clergymen in Mexico and the Mexican Government or people.

The Protestant clergy has seemingly understood its legitimate mission, and, understanding this, it is engaged in co-operating with the Government, in place of trying to undermine it. The Protestant clergy is not making war on our public schools, as the Catholic hierarchy has and is to-day doing. It is not opposing the legitimate activities of organized labor in forming effective trade unions, as the church hierarchy has. In short, the Protestant clergymen confine themselves to religion in the true sense of the word; to the promoting of the spiritual and moral welfare of their flock and an inculcating of good habits and customs.

This record of the Protestant clergy has not kept them from being most bitterly attacked by the spokesmen for the hierarchy. In the midst of the last revolution, that is about the year 1915, Father Kelly, now the Catholic Bishop of Omaha, was the chief spokesman for the Catholic hierarchy of Mexico in this country. He wrote a book which was published with the imprint of the Catholic Church Extension Society, in which he charged that the principal work of the Protestant clergy in Mexico had been to create atheists. In this book he also bitterly attacked the attitude of the United States toward Victoriana Huerta, the assassin of Francisco Madero and the usurper of the Presidency of Mexico. Huerta had the support of the hierarchy, as they believed he could

be depended upon to prevent those provisions in the Mexican law dealing with the church from being put into effect.

Let me frankly state that there are very great differences between the laws applying to the clergy in Mexico and those in the United States. But you do not have clericalism here. We have had clericalism in Mexico from the very beginning. There were a few noble souls among the church hierarchy who shine out with great brilliancy in the history of Mexico, but they also bring into more vivid relief the fact that the church hierarchy, like locusts descending upon a people, for centuries ate out the very substance of the mass of the Mexican population. And again I charge, and will gladly bring forward my proof that the records of the church itself, from sources that are in no sense Protestant but Roman Catholic, prove this statement to be absolutely true.

One of the most common protests of the church hierarchy is that they cannot tolerate that primary schools in Mexico shall be lay schools, that is, shall be schools in which doctrinal religion shall not be taught.

Wants Primary Schools Non-Doctrinal

They take the same position in your country and I do not want to involve myself in any issue between any groups of people in the United States. I am only speaking for my own country. I state most unequivocally that we believe that the primary school is not the place to put creeds into minds too young to understand these complicated metaphysical questions. We believe that if parents want their children reared in a particular set of religious beliefs they have the right and privilege of teaching these belief's at home.

If, after primary school days are over, the parents want their children to have religious teaching

and wish to send them to such schools then that is for their decision. But those who are now conducting the affairs of the Republic of Mexico declare that so long as they are intrusted with this mission every primary school in the republic is going to be free from doctrinal religious teachings.

This is the cornerstone of the Mexican public school system. It is this public school system which the hierarchy has fought from the first feeble attempts of the Government to erect an educational system up to now when the attempts on the part of the Government to develop a public school system are continuous and virile.

The hierarchy fought the public school system in the old days and they are fighting it in these new days. We meet their "will not" with an equally and even more determined "we will." Since the day Francisco Madero swept into the field backed by the millions of the dispossessed of Mexico, its Government and its people, throughout all the changes, throughout the ebb and tide of the revolutionary wave, have determined to bring up a new generation of thinking and self-reliant people. In this way only can safety and happiness for all Mexicans come.

I also wish to state that we have laws forbidding a discussion of politics in religious journals. This is an infringement, in the strict sense of the word, on the freedom of the press. You have an old English proverb, however, that expresses our position here. It is to the effect that "It is the criminal and not the hangman who brings dishonor on the house." The hierarchy itself forced us, solely in defense of the political freedom of the people, to put in this provision against the discussion of politics in religious journals. The clergy has taken advantage of its hold over the minds of those they have deliberately kept in ignorance and

then attempted to stir them to revolt against the various efforts of liberty-loving groups of Mexicans to bring freedom to all.

This has compelled the Government in defense of the entire community to prevent as far as possible such incendiarism before it takes place. The discussions by the hierarchy have not been confined to principles of government, but constant attempts have been made to arouse fanatical groups to acts of violence. When this takes place innocent victims suffer and those guilty of creating these conditions generally escape. The spirit of clericalism has compelled the Government to take a position which it never would have taken had the hierarchy confined itself to its legitimate spiritual duty.

In conclusion I can only say that the Roman Catholic hierarchy's one solution of the difficulties in which it finds itself at the present time in the Republic of Mexico is to show, like the clergy of other beliefs, that it can be law abiding. Having shown this, then there will be no difficulty in arriving at a settlement of all the questions now in controversy between the church hierarchy and the Mexican Government.

Father Ryan Gives the Church's Side of the Religious Difficulties That for Months Have Been Agitating the Republic South of the Rio Grande

The Rev. John A. Ryan, author of this article, is one of the leading Roman Catholic theologians in the United States. He is professor of moral theology and industrial ethics in the Catholic University at Washington and director of the Social Action Department of the National Catholic Welfare Council.

By the Rev. John A. Ryan, D. D.

ON Dec. 6, at Potosi, speaking to an important group of newspaper men, in the presence of the American Ambassador and other American citizens, President Calles summed up the religious controversy in Mexico. "Here are the laws and the Constitution. They must be obeyed," the President is quoted as having said. "The solution of the religious problem is in the hands of the Catholics. When they accept the decrees and the Constitution, the religious conflict will end." The people of Mexico again protest: NON POS-SUMUS, we cannot comply. Our consciences cannot accept. We have pledged ourselves to labor for the amendment of these laws by every means permitted to us and we will not lay down the task until we have succeeded."

The people of the United States are vitally interested in this controversy. For many months it has produced conditions in Mexico which border on chaos and anarchy. It is driving many hundreds, even many thousands, of Mexicans to our

country until our ability and our willingness to receive them are sorely strained. It has reduced industry and every social activity in Mexico to stagnation and has brought upon the Mexican nation an economic depression which threatens to make impossible to the Government of Mexico the performance of important international engagements. If unchecked, it threatens to plunge the Mexican nation into a morass of dissension and strife from which it is not at all certain that the Mexican people, left to their own resources, will ever be able to extricate themselves.

Diaz's Prophecy Is Recalled

So alarming is the deadlock that serious thinkers are beginning to recall the prophecy of Porfirio Diaz: "The gates have been opened to anarchy in Mexico, and they will never be closed until the Stars and Stripes are floating over Chapultepec." As a nation we cannot remain indifferent to a controversy which, in the end, threatens to engulf us.

The power of public opinion in the United States to influence the situation in Mexico is undoubted. Both parties to this controversy have again and again recognized that power. President Calles, himself, has appealed to public opinion in signed statements addressed to the American Nation. What is more, he has sought to control at the source everything which might influence public opinion. To that end he has muzzled the press in Mexico. To that end he has subjected every information and news-gathering agency to rigid control and censorship. To that end he has covered our country with agencies of propaganda and invited good will missions to Mexico to absorb from him views which, in turn, they would disseminate as their own. By such methods only confusion could

be produced. May it not be that the deadlock reached in Mexico is directly traceable to that confusion?

The controversy has been bitter. It runs through a long period of years. The facts of history have been distorted. "Those who have written our national history," declared not long ago a Mexican writer of international standing, "have too often done so in the service of the party in power." Even Americans who discuss Mexico too often re-echo the claims and counter-claims of those involved in the conflict. Interest has usurped the role of justice. Prejudice and passion have made clear thinking impossible. The real factors of the controversy have been lost sight of in a haze of misstatement and assumption.

The Conflict of The Two Leagues

During the past year there have been organized in Mexico two so-called "leagues." The first assumed the name, "Civic Association for the Defense of Liberty in Mexico;" the second, that of "League for the Defense of the Revolution in Mexico." These names are significant. In the public statements by which they were launched, no doubt is left as to the character of the controversy of which they are the protagonists. A third, "League for the Defense of Religious Liberty," was formed more than two years ago. This religious defense league, exhausting the means it had under the laws of Mexico, has placed itself at the head of an armed movement. The Civic League was a reaction. Its founders professed faith in the capacity of the Mexican people to develop democratic institutions. They did not look for immediate results. They were patient. Their program is a program of education. They denounced revolution as leading to anarchy and chaos.

The conflict in which these "leagues" are engaged deals with liberties and rights which through centuries have been wrung by men from unwilling Governments and have thus become the accepted foundation upon which the political institutions of civilized nations stand. On the one side of the conflict, a group calling themselves revolutionists, organized and in control of the Government, are making a desperate effort to engraft upon the national life of Mexico a new philosophy of social relations. This new philosophy is referred to by them as embodying the conquests of the Mexican revolution, which cannot end until it is either overthrown by force or has succeeded in winning for its principles the complete acceptance and assured support of the Mexican people. On the other side are, if heads are to be counted, a majority of the people of Mexico. Not all of these are Catholics. They denounce the revolution as exotic, alien to the traditions of Mexico and fruitful of nothing but disaster for the nation.

Permit me, for the sake of clearness, to state briefly some of the principles which stand out as fundamental in this so-called philosophy of the Mexican revolution. These principles may be gleaned from the laws and enforcement measures adopted by the revolutionists.

Encouraged by the recognition given them as a result of the A B C Conferences, Carranza and Obregon, with their followers, in 1915 conceived of themselves as the only legitimate guardians of the national life of Mexico and the sole authorized spokesmen of the Mexican nation. They assumed the name of Constitutionlists and pledged themselves to support the laws of Mexico. They excommunicated all other Mexicans as unpatriotic and unconstitutional. They gave the force of law to this exclusion when they decreed that no

Mexican who had not given material support to the Carranza revolution continuously, from the overthrow of Madero to the day of the election might, either as candidate or elector, participate in the Congress summoned to revise the Mexican Constitution.

The most reliable returns show that nearly 30,000 voters took part in the election. This number is so near that of the armed followers of Obregon and Carranza at the time, that color is given to the charge that the delegates who drafted the 1917 Constitution were, in reality, no more than the representatives of the Obregon-Carranza party, known sometimes as the Red Flaggers, who called themselves the Workers of the World.

This Congress stood pledged to respect the organic laws of the republic. Finding it impossible, however, to adjust those laws to its philosophy, it scrapped essential provisions of the Constitution, especially provisions defining the rights of Mexicans and placing upon the Mexican Government checks restraining it from interfering with the free exercise of those rights.

Important revolutionary groups, the followers of Villa, Orozco, Gutierrez, Zapata, and others, as well as the great body of noncombatants, liberals and Catholics—a majority of the citizens of Mexico—excluded arbitrarily from the Constituent Congress, protested against the acts of that Congress. The Government of the United States, through its Ambassador, protested, even before the new Constitution was promulgated, and withdrew its protest only when adequate guarantees had been given that the rights of men would be respected. Foreign companies interested in Mexico protested. All protest was silenced by Carranza, who, pleading for time, gave his word that, after all, this Constitution was like others. The

flames of revolution must first be extinguished. Give him but time and freedom to act and in due course the objectionable clauses would be erased.

True to his word, Carranza, with the assistance of the President of Congress, restrained the radicals and no enforcement laws were enacted. He even introduced bills bringing the Constitution more nearly into line with what had been the basic laws of Mexico. His bills did not prosper in the Congress, and Carranza died a few months later under circumstances that, to say the least, were most suspicious. In 1926, nearly ten years later, President Calles reminded the Catholics of Mexico that those bills are still before the Mexican Congress.

For eleven years the Mexican revolutionists have exhausted their energies in a fruitless effort to force the Mexican nation into the mould designed for it at Queretaro in 1916. There has been opposition. There have been dissensions. There have even been rebellions. But these have been within the ranks of the party in power. The Mexican people, stripped of their property and of every resource, denied any participation in national or state affairs, have never been in position to make effective protest or to exercise organized opposition. The revolutionists have worked with a free hand.

Nevertheless, the revolutionists are still conscious of the weakness of their position. Their recent acts are the acts of men in a panic. Their sole reliance is in their armed strength. "Our National Army," they declare in their manifesto of May 6, 1927, "will quickly extinguish the flames lighted by fanatics, but this conflict appeals to the spirit, to the consciences of men and threatens to bring division into our own ranks."

Thus, a minority, knowing that it cannot count

on the moral support or approval of the nation, having seized control of armed force, trembles and, when a movement like the alleged revolt of Gens. Gomez and Serrano breaks out or an attack like that on the life of Gen. Obregon is made, they are truly in panic and do things that only an overwhelming fear could inspire. Only by referring to their consciousness of their own weakness can we explain the refusal of the National Congress to even discuss the petition in which more than a million Mexican Catholics prayed for the amendment of the Constitution.

All notion of rights which, by their nature, are inalienable is wiped out by the 1917 Constitution, of which Article 1 reads: "In Mexico every man shall have the rights which this Constitution grants."

The philosophy back of this opening clause is the philosophy of absolutism. Every other Constitution of Mexico has presupposed inalienable rights that the Constitution itself must respect and never deny. In the debates preceding the enactment of the 1857 Constitution, a delegate sought to inject this doctrine of absolutism. His project was defeated and Article 1 of that Constitution states clearly: "The rights of man are the basis and the object of social institutions."

Succeeding clauses of the Constitution place unusual restrictions on the exercise of rights commonly held to be inalienable. Of these, space permits no more than the mention of a few:

"Education in all Government schools shall be laical." "Education in all primary schools, Government or private, shall be laical." The great mass of the population being illiterate, this condemns the nation to an education that is laical. The Diocesan Seminary of Durango, devoted to the training of priests, was closed on the grounds

that it was a primary school and imparted an education that is not laical.

In subsequent laws and decrees, the term "laical" is defined as excluding all religion and all direct or indirect teaching of religion, symbols or images at all suggestive of religion are forbidden on the school premises, and no primary school may be conducted on premises where there is a chapel or which have direct access to a church. "No religious corporation or any minister of any church may establish or direct any primary school."

Education Used To Uproot Religion

Education is generally accepted as a function which churches may legitimately exercise and which they have exercised for the benefit of society. In its general report for 1924 the Methodist Board of Education states: "Without the schools, the Negro churches would be without leaders and helpless. * * * Those who know foreign missions as they are read with a thrill the long, long list of schools, colleges and universities. The church has made the school its method."

An examination of the textbooks and of the policies adopted by the Mexican Department of Education justifies the suspicion that education is being made the instrument by which religion is to be uprooted in Mexico.

Liberty of Expression: The Press. Article 7—"The liberty to write and to publish articles on whatever subject may not be violated."

Prior censorship is prohibited, and the liberty of the press is limited only to respect for private life and for public morals and peace. But.

Article 130—"Periodical publications whose

character is shown to be confessional by their programs, by their name, or merely by their usual tendencies, may not comment on questions of national politics, nor refer in their news items to the acts of the public authorities, nor to those of private parties who are associated with the functioning of public institutions."

The decree of July 31, 1926, was at once challenged as a violation of the Constitution because, in its article 13, the word "confessional" used in the Constitution is omitted and the prohibitions of article 130 are made enforceable against the secular press.

Speech: Article 6—"The expression of ideas shall be subject to no judicial or administrative inquiry excepting when it offends against morality, injures the rights of a third party or disturbs the public order."

But, article 130—"At no time, either at a public gathering or at a board meeting privately held, nor in any act of worship or of religious propaganda, shall the minister of any cult discuss the fundamental laws of the country, or the public authorities specifically or generally."

And, article 8 of the decree of July 31, 1926—"Any individual, exercising the ministry of any religious cult, who, by means of his writings, his preachings or his sermons, shall publicly encourage his readers or his hearers to disrespect the political institutions or to disobey the laws or the orders of the authorities, shall be subject to imprisonment for six years and to a fine of the second class."

Equality Before the Law—Ministers are denied equality before the law with respect to the exercise of their professions, which is subject to a long list of specific restrictions; to their educa-

tion for which they may not be given credit in obtaining academic degrees, to the exercise of the franchise, to the right to hold and acquire property.

Churches Are Forbidden to Hold Or Administer Real Property

And, finally, trial by jury is denied to any one, lay or clergy, charged with an offense against article 130 of the Constitution or laws and decrees enacted under its authority. This has been interpreted as denying the right to institute Amparo proceedings, and a great many offenders have been condemned to banishment and even to death by summary proceedings and executed in violation of articles 13, 20, 21, 22 and 23 of the Constitution.

Church and State—The Constitution of 1917 provides: "Religious associations known as churches have no personality whatever under the law."

"In matters of religious worship and external discipline, the Federal Government shall have exclusive intervention, under the laws. All other authorities shall act, as agents, subordinate to the federation."

This jurisdiction is subject to two checks: (a) "The Congress shall enact no law establishing or forbidding any religion." (b) "The State Legislature shall have exclusive power to fix the maximum number of ministers who may function in the state, giving consideration to local necessities."

To make more absolute and inescapable this dependency, the Constitution further provides, in article 27: Churches have no legal capacity to

acquire, hold or administer, real property or capital investments based on real property.

Not only are churches thus denied capacity to own places of worship, but "all diocesan properties, parish houses, seminaries, houses of refuge and schools conducted by religious associations, convents, or any other edifice constructed for or dedicated to the administration, propaganda, or teaching of any religious creed shall pass in fee simple to the nation to be used exclusively in the public service." Even private institutions of benevolence, research, education, or mutual aid, are subject to severe restrictions.

By these constitutional enactments, churches are denied the right to petition the Mexican Congress or the State Legislature, or to appeal to the courts for redress of wrongs or protection against oppression. Churches are reduced to the status of a ward and to complete dependency upon the state, and are deprived of all means of controlling their own ministers. No church can exist in Mexico except by executive clemency.

These provisions of the 1917 Constitution are a repudiation of the traditions of Mexico and an open violation of the Constitution of 1857. The traditions of the Spanish colonies in this matter are authoritatively stated in the case on *Ponce vs. Roman Catholic Church*, 210, U. S. Reports. p. 296. The opinion of the Supreme Court of the United States was delivered by Chief Justice Fuller and contains the following:

"The Spanish law as to the juristic capacity of the Church at the time of the cession (Treaty of Paris) merely followed the principles of the Roman law, which have had such universal acceptance both in the law of Continental Europe and in the common law of England. * * *

“By the Spanish law from the earliest moment of the settlement of the island to the present time, the corporate existence of the Catholic Church has been recognized.”

This tradition is respected in the Mexican Constitution of 1857, which, in article 27, gives to ecclesiastic corporations legal capacity to acquire property in or to administer by its own right real property “immediately and directly destined to the service and the purpose of said corporation.”

Attempt Was Made to Reduce the Catholic Church to Subjection

The so-called Reform Laws codified in the Act of Dec. 14, 1874, extend this legal capacity and provide in:

Article 13—“Religious institutions are free to adopt hierarchical organization they prefer and, by doing so, establish the legal personality of the superiors of these organizations in each locality with capacity to exercise the rights stated in article 15 hereunder.”

Article 15 — “Religious institutions acting through their local superiors shall have the right:

“(a) to petition,

“(b) to hold property in temples acquired in accordance with the Federal Constitution and the laws of the state,

“(c) to receive alms and gifts,

“(d) to take up collections within the temple.”

The national life of Mexico has never been wholly free from controversy respecting the rela-

tions between the civil and the religious authority. Reflecting conditions in Catholic Spain, Mexico began her life as a colony, with church and state working in complete harmony. The civil authority protected the church and her ministers and undertook to enact no legislation hostile to the church. In harmony with contemporaneous custom, all but the established church were excluded. The ministers of the church undertook not alone to carry Christianity to the Indians.

The encouragement and supervision of education was accepted by them as a function for which they were eminently equipped, and the church and school were inseparable in the missions. The ministers of the church, moreover, undertook important civil commissions, especially in the outlying territories, and the Bishops were closely associated with the Viceroy in the management of colonial affairs.

There was not always agreement. Juan de Zumarraga, in his Memorial to the Imperial Authorities of Spain, dated Aug. 29, 1529, established the church in the position of defender of the Indian. At their second council, in 1565, the Bishops of Mexico deliberated on the situation of the Indian and submitted to the Crown a Memorial, setting forth the rights of Indians. At their third council, twenty years later, the Bishops again deliberated on this question and condemned the tyranny to which the Indians were being subjected.

The civil authorities resented this interference. For two centuries, the controversy continued. The Bishops, with the exception of brief periods, were on the defensive. Through influences at court, they prevented the unjust acts by which colonial administrators oppressed the Indians and obtained for their own protection en-

actments setting certain checks and limitations on the power of the civil authorities. These checks, spoken of as "fueros," and as privileges, could not perhaps all be justified if considered in the light of modern standards. Their value has been much exaggerated and their nature much distorted in the controversy between clericals and anti-clericals in modern Mexico. They had, for the most part, been abolished by law before Mexico became an independent nation.

In a manifesto, repudiated the sovereignty and the Constitution of Spain, the Mexican liberals, in 1813, declared:

"We profess and recognize no other religion than the Catholic and will not permit or tolerate the public or private exercise of any other. We hold that as a sovereign nation we have power to negotiate with the Supreme Pontiff at Rome a concordat for the Government in Mexico of the Roman, Catholic Apostolic Church."

All parties accepted the idea of an established church, but back of this acceptance was the thought of patronage. The power of the church had indeed been crippled; she had been stripped of much of her property by the law of Aug. 6, 1811; the chief sources from which she had derived her property had been dried up by laws like that of Oct. 5, 1801. Nevertheless, these revolutionists coveted the right to control the appointment of church dignitaries. The insincerity of their professions became apparent when, in power under Gomez Farias, in 1833, with all hope gone of even dominating the church through the exercise of the appointing power, they proceeded to confiscate her properties.

For thirty years, the conflict went on uninterrupted. In 1847, taking advantage of the tur-

moil resulting from the disastrous war with the United States, Gomez Farias, again in power as Vice President under Santa Ana, laid hands on church property.

An attempt was made to embody in the Constitution of 1857 this principle, reducing the church to subjection under the state. This was repudiated by the people of Mexico and voted down in the convention. Benito Juarez, exercising the powers of a revolutionary dictatorship, legislated by decree against the liberties of the church.

To strengthen his position, Juarez introduced missionaries of other creeds. To this end, and with much ostentation, he selected the oldest church in Mexico, San Francisco, venerated as the cradle of Catholicity by the Mexican people, and made it the headquarters of a Protestant mission. Juarez sought support from the United States and, to this end, negotiated the MacLane-Ocampo Treaty, the ratification of which failed largely because of the slavery controversy and the war. The French protectorate came as a reaction against the acts of Juarez. The protectorate was overthrown.

In 1874, an attempt was made to bring the Constitution of 1857 down to date by codifying the amendments that had been enacted. The so-called Reform Law of 1874 began with the following:

Article 1—"The state and the church shall be independent one from the other. No law shall be enacted establishing or forbidding any religion."

Came the benevolent dictatorship of Porfirio Diaz. Under it, the church lived by executive clemency, regaining none of her rights, recover-

ing none of her properties. Under pretext of restoring the Reform laws by which church and state are separated the revolutionists at Queretaro enacted a statute under which the church can live only by placing herself in the most intimate union with the most abject subjection to the state.

Throughout the turmoil and dissension which has characterized the life of Mexico, the national spirit has been striving to express itself in greater liberty for the people and in more effective participation by the people in their Government.

Revolutionists have both capitalized and defeated these legitimate aspirations, not because they have had popular support but because they have had armed power.

Gen. Calles and the revolutionists see in the Catholic Church a challenge to their absolutism, because the church teaches the responsibility of the state to the higher authority of God and of man's God-given rights.

Those who oppose Calles are not fighting for privileges, nor even solely for the restoration of religious liberty. They are fighting for their rights as free men to equality before the law, and to equal participation in the government of their country. So true is this, that even if there were effected a reconciliation between Calles and the authorities of the Catholic Church, the revolution, the demand of the "outs" for recognition would still go on. The issue in Mexico to-day lies between absolutism and liberty. There should be no question as to where, as a nation, we stand on that issue.

To fail to understand this is to fail to understand the vital issues in Mexico to-day. Ameri-

can liberals have been silent. A few have even expressed sympathy with the Mexican Government's denial of fundamental liberties. Assuming, without investigation, that this denial is a justifiable retaliation on the Mexican clergy, they are blind to the real problem and to the real issues, and put themselves in the absurd position of defending processes that absolutely contradict their own principles. It is indeed encouraging to note in liberal publications like the New Republic evidences of clearer vision on the part of American liberals.



